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June 30, 2020

VIA ECF

Honorable Ronnie Abrams
United States District Court Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Tucker v. Whole Foods Market Group, Inc.*,
Case No.: 19-cv-09842-RA

The undersigned represents Henry Tucker, on behalf of himself and all other persons similarly situated (“Plaintiff”) in the above-referenced action against Whole Foods Market Group, Inc., (“Defendant”). The undersigned respectfully requests a stay in this action pending resolution of the Consolidated Appeal captioned: *Mendez v. AnnTaylor, Inc.*, No. 20-1550 (the “Consolidated Appeal”), currently pending before the Second Circuit. The Defendant does not consent to this stay request however, the Court should stay this matter pending the outcome of the Consolidated Appeal to preserve judicial resources.

A stay has the potential to substantially conserve the resources of both the parties and the Court. Similar stays were granted by courts in this District on the same grounds. *See Calcano v. lululemon USA Inc.*, No. 1:19-cv-10430 (S.D.N.Y. Mar. 2, 2020); *Delacruz v. Five Below, Inc.*, No. 1:19-cv-10294 (S.D.N.Y. Feb. 28, 2020); *Delacruz v. Jamba Juice Co.*, No. 1:19-cv-10321 (S.D.N.Y. Feb. 27, 2020); *Calcano v. Domino’s Pizza, Inc.*, No. 1:19-cv-09823 (S.D.N.Y. Feb. 24, 2020). The only deadlines impacted by the proposed stay are the deadlines the Court established on June 29, 2020 when it permitted the Plaintiff to file an Amended Pleading by July 13, 2020. (Dkt. 38).

We thank the Court for its time and attention in this matter.

cc: all counsel of record VIA ECF

Respectfully submitted,

/s/ Jeffrey M. Gottlieb, Esq.
Jeffrey M. Gottlieb, Esq.

Attorney for Plaintiffs

Application granted. No later than one week after the Second Circuit issues its decision in the consolidated appeal captioned *Mendez v. Ann Taylor, Inc.*, No. 20-1550, the parties shall file a joint letter, informing the Court of their position on how the Second Circuit's decision impacts this particular case and proposing next steps in this action.

SO ORDERED.



Ronnie Abrams, U.S.D.J.

July 1, 2020